

1 AN ACT in relation to human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-102, 1-103, 3-102, 8A-104, and 8B-104 as
6 follows:

7 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

8 (Text of Section before amendment by P.A. 93-1078)

9 Sec. 1-102. Declaration of Policy. It is the public policy
10 of this State:

11 (A) Freedom from Unlawful Discrimination. To secure for all
12 individuals within Illinois the freedom from discrimination
13 against any individual because of his or her race, color,
14 religion, sex, national origin, ancestry, age, marital status,
15 physical or mental handicap, military status, or unfavorable
16 discharge from military service in connection with employment,
17 real estate transactions, access to financial credit, and the
18 availability of public accommodations.

19 (B) Freedom from Sexual Harassment-Employment and Higher
20 Education. To prevent sexual harassment in employment and
21 sexual harassment in higher education.

22 (C) Freedom from Discrimination Based on Citizenship
23 Status-Employment. To prevent discrimination based on
24 citizenship status in employment.

25 (D) Freedom from Discrimination Based on Familial
26 Status-Real Estate Transactions. To prevent discrimination
27 based on familial status in real estate transactions.

28 (E) Public Health, Welfare and Safety. To promote the
29 public health, welfare and safety by protecting the interest of
30 all people in Illinois in maintaining personal dignity, in
31 realizing their full productive capacities, and in furthering
32 their interests, rights and privileges as citizens of this

1 State.

2 (F) Implementation of Constitutional Guarantees. To secure
3 and guarantee the rights established by Sections 17, 18 and 19
4 of Article I of the Illinois Constitution of 1970.

5 (G) Equal Opportunity, Affirmative Action. To establish
6 Equal Opportunity and Affirmative Action as the policies of
7 this State in all of its decisions, programs and activities,
8 and to assure that all State departments, boards, commissions
9 and instrumentalities rigorously take affirmative action to
10 provide equality of opportunity and eliminate the effects of
11 past discrimination in the internal affairs of State government
12 and in their relations with the public.

13 (H) Unfounded Charges. To protect citizens of this State
14 against unfounded charges of unlawful discrimination, sexual
15 harassment in employment and sexual harassment in higher
16 education, and discrimination based on citizenship status in
17 employment.

18 (Source: P.A. 87-579; 88-178.)

19 (Text of Section after amendment by P.A. 93-1078)

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21 of this State:

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23 individuals within Illinois the freedom from discrimination
24 against any individual because of his or her race, color,
25 religion, sex, national origin, ancestry, age, marital status,
26 physical or mental handicap, military status, sexual
27 orientation, or unfavorable discharge from military service in
28 connection with employment, real estate transactions, access
29 to financial credit, and the availability of public
30 accommodations.

31 (B) Freedom from Sexual Harassment-Employment and Higher
32 Education. To prevent sexual harassment in employment and
33 sexual harassment in higher education.

34 (C) Freedom from Discrimination Based on Citizenship
35 Status-Employment. To prevent discrimination based on

1 citizenship status in employment.

2 (D) Freedom from Discrimination Based on Familial
3 Status-Real Estate Transactions. To prevent discrimination
4 based on familial status in real estate transactions.

5 (D-1) Freedom from Discrimination Based on Source of
6 Income-Residential Rental Real Estate Transactions. To prevent
7 discrimination based on source of income in residential rental
8 real estate transactions.

9 (E) Public Health, Welfare and Safety. To promote the
10 public health, welfare and safety by protecting the interest of
11 all people in Illinois in maintaining personal dignity, in
12 realizing their full productive capacities, and in furthering
13 their interests, rights and privileges as citizens of this
14 State.

15 (F) Implementation of Constitutional Guarantees. To secure
16 and guarantee the rights established by Sections 17, 18 and 19
17 of Article I of the Illinois Constitution of 1970.

18 (G) Equal Opportunity, Affirmative Action. To establish
19 Equal Opportunity and Affirmative Action as the policies of
20 this State in all of its decisions, programs and activities,
21 and to assure that all State departments, boards, commissions
22 and instrumentalities rigorously take affirmative action to
23 provide equality of opportunity and eliminate the effects of
24 past discrimination in the internal affairs of State government
25 and in their relations with the public.

26 (H) Unfounded Charges. To protect citizens of this State
27 against unfounded charges of unlawful discrimination, sexual
28 harassment in employment and sexual harassment in higher
29 education, and discrimination based on citizenship status in
30 employment.

31 (Source: P.A. 93-1078, eff. 1-1-06.)

32 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

33 (Text of Section before amendment by P.A. 93-1078)

34 Sec. 1-103. General Definitions. When used in this Act,
35 unless the context requires otherwise, the term:

1 (A) Age. "Age" means the chronological age of a person who
2 is at least 40 years old, except with regard to any practice
3 described in Section 2-102, insofar as that practice concerns
4 training or apprenticeship programs. In the case of training or
5 apprenticeship programs, for the purposes of Section 2-102,
6 "age" means the chronological age of a person who is 18 but not
7 yet 40 years old.

8 (B) Aggrieved Party. "Aggrieved party" means a person who
9 is alleged or proved to have been injured by a civil rights
10 violation or believes he or she will be injured by a civil
11 rights violation under Article 3 that is about to occur.

12 (C) Charge. "Charge" means an allegation filed with the
13 Department by an aggrieved party or initiated by the Department
14 under its authority.

15 (D) Civil Rights Violation. "Civil rights violation"
16 includes and shall be limited to only those specific acts set
17 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
18 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
19 Act.

20 (E) Commission. "Commission" means the Human Rights
21 Commission created by this Act.

22 (F) Complaint. "Complaint" means the formal pleading filed
23 by the Department with the Commission following an
24 investigation and finding of substantial evidence of a civil
25 rights violation.

26 (G) Complainant. "Complainant" means a person including
27 the Department who files a charge of civil rights violation
28 with the Department or the Commission.

29 (H) Department. "Department" means the Department of Human
30 Rights created by this Act.

31 (I) Handicap. "Handicap" means a determinable physical or
32 mental characteristic of a person, including, but not limited
33 to, a determinable physical characteristic which necessitates
34 the person's use of a guide, hearing or support dog, the
35 history of such characteristic, or the perception of such
36 characteristic by the person complained against, which may

1 result from disease, injury, congenital condition of birth or
2 functional disorder and which characteristic:

3 (1) For purposes of Article 2 is unrelated to the
4 person's ability to perform the duties of a particular job
5 or position and, pursuant to Section 2-104 of this Act, a
6 person's illegal use of drugs or alcohol is not a handicap;

7 (2) For purposes of Article 3, is unrelated to the
8 person's ability to acquire, rent or maintain a housing
9 accommodation;

10 (3) For purposes of Article 4, is unrelated to a
11 person's ability to repay;

12 (4) For purposes of Article 5, is unrelated to a
13 person's ability to utilize and benefit from a place of
14 public accommodation.

15 (J) Marital Status. "Marital status" means the legal status
16 of being married, single, separated, divorced or widowed.

17 (J-1) Military Status. "Military status" means a person's
18 status on active duty in the armed forces of the United States,
19 status as a current member of any reserve component of the
20 armed forces of the United States, including the United States
21 Army Reserve, United States Marine Corps Reserve, United States
22 Navy Reserve, United States Air Force Reserve, and United
23 States Coast Guard Reserve, or status as a current member of
24 the Illinois Army National Guard or Illinois Air National
25 Guard.

26 (K) National Origin. "National origin" means the place in
27 which a person or one of his or her ancestors was born.

28 (L) Person. "Person" includes one or more individuals,
29 partnerships, associations or organizations, labor
30 organizations, labor unions, joint apprenticeship committees,
31 or union labor associations, corporations, the State of
32 Illinois and its instrumentalities, political subdivisions,
33 units of local government, legal representatives, trustees in
34 bankruptcy or receivers.

35 (M) Public Contract. "Public contract" includes every
36 contract to which the State, any of its political subdivisions

1 or any municipal corporation is a party.

2 (N) Religion. "Religion" includes all aspects of religious
3 observance and practice, as well as belief, except that with
4 respect to employers, for the purposes of Article 2, "religion"
5 has the meaning ascribed to it in paragraph (F) of Section
6 2-101.

7 (O) Sex. "Sex" means the status of being male or female.

8 (P) Unfavorable Military Discharge. "Unfavorable military
9 discharge" includes discharges from the Armed Forces of the
10 United States, their Reserve components or any National Guard
11 or Naval Militia which are classified as RE-3 or the equivalent
12 thereof, but does not include those characterized as RE-4 or
13 "Dishonorable".

14 (Q) Unlawful Discrimination. "Unlawful discrimination"
15 means discrimination against a person because of his or her
16 race, color, religion, national origin, ancestry, age, sex,
17 marital status, handicap, military status, or unfavorable
18 discharge from military service as those terms are defined in
19 this Section.

20 (Source: P.A. 93-941, eff. 8-16-04.)

21 (Text of Section after amendment by P.A. 93-1078)

22 Sec. 1-103. General Definitions. When used in this Act,
23 unless the context requires otherwise, the term:

24 (A) Age. "Age" means the chronological age of a person who
25 is at least 40 years old, except with regard to any practice
26 described in Section 2-102, insofar as that practice concerns
27 training or apprenticeship programs. In the case of training or
28 apprenticeship programs, for the purposes of Section 2-102,
29 "age" means the chronological age of a person who is 18 but not
30 yet 40 years old.

31 (B) Aggrieved Party. "Aggrieved party" means a person who
32 is alleged or proved to have been injured by a civil rights
33 violation or believes he or she will be injured by a civil
34 rights violation under Article 3 that is about to occur.

35 (C) Charge. "Charge" means an allegation filed with the

1 Department by an aggrieved party or initiated by the Department
2 under its authority.

3 (D) Civil Rights Violation. "Civil rights violation"
4 includes and shall be limited to only those specific acts set
5 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
6 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
7 Act.

8 (E) Commission. "Commission" means the Human Rights
9 Commission created by this Act.

10 (F) Complaint. "Complaint" means the formal pleading filed
11 by the Department with the Commission following an
12 investigation and finding of substantial evidence of a civil
13 rights violation.

14 (G) Complainant. "Complainant" means a person including
15 the Department who files a charge of civil rights violation
16 with the Department or the Commission.

17 (H) Department. "Department" means the Department of Human
18 Rights created by this Act.

19 (I) Handicap. "Handicap" means a determinable physical or
20 mental characteristic of a person, including, but not limited
21 to, a determinable physical characteristic which necessitates
22 the person's use of a guide, hearing or support dog, the
23 history of such characteristic, or the perception of such
24 characteristic by the person complained against, which may
25 result from disease, injury, congenital condition of birth or
26 functional disorder and which characteristic:

27 (1) For purposes of Article 2 is unrelated to the
28 person's ability to perform the duties of a particular job
29 or position and, pursuant to Section 2-104 of this Act, a
30 person's illegal use of drugs or alcohol is not a handicap;

31 (2) For purposes of Article 3, is unrelated to the
32 person's ability to acquire, rent or maintain a housing
33 accommodation;

34 (3) For purposes of Article 4, is unrelated to a
35 person's ability to repay;

36 (4) For purposes of Article 5, is unrelated to a

1 person's ability to utilize and benefit from a place of
2 public accommodation.

3 (I-5) Housing authority. "Housing authority" means either
4 a housing authority created under the Housing Authorities Act
5 or other government agency that is authorized by the United
6 States government under the United States Housing Act of 1937
7 to administer a housing choice voucher program, or the
8 authorized agent of such a housing authority that is authorized
9 to act upon that authority's behalf.

10 (J) Marital Status. "Marital status" means the legal status
11 of being married, single, separated, divorced or widowed.

12 (J-1) Military Status. "Military status" means a person's
13 status on active duty in the armed forces of the United States,
14 status as a current member of any reserve component of the
15 armed forces of the United States, including the United States
16 Army Reserve, United States Marine Corps Reserve, United States
17 Navy Reserve, United States Air Force Reserve, and United
18 States Coast Guard Reserve, or status as a current member of
19 the Illinois Army National Guard or Illinois Air National
20 Guard.

21 (K) National Origin. "National origin" means the place in
22 which a person or one of his or her ancestors was born.

23 (L) Person. "Person" includes one or more individuals,
24 partnerships, associations or organizations, labor
25 organizations, labor unions, joint apprenticeship committees,
26 or union labor associations, corporations, the State of
27 Illinois and its instrumentalities, political subdivisions,
28 units of local government, legal representatives, trustees in
29 bankruptcy or receivers.

30 (M) Public Contract. "Public contract" includes every
31 contract to which the State, any of its political subdivisions
32 or any municipal corporation is a party.

33 (N) Religion. "Religion" includes all aspects of religious
34 observance and practice, as well as belief, except that with
35 respect to employers, for the purposes of Article 2, "religion"
36 has the meaning ascribed to it in paragraph (F) of Section

1 2-101.

2 (O) Sex. "Sex" means the status of being male or female.

3 (O-1) Sexual orientation. "Sexual orientation" means
4 actual or perceived heterosexuality, homosexuality,
5 bisexuality, or gender-related identity, whether or not
6 traditionally associated with the person's designated sex at
7 birth. "Sexual orientation" does not include a physical or
8 sexual attraction to a minor by an adult.

9 (O-5) Source of Income. "Source of income" means any lawful
10 income, subsidy, or benefit with which an individual supports
11 himself or herself and his or her dependents, including, but
12 not limited to, child support, maintenance, and any federal,
13 State, or local public assistance, medical assistance, or
14 rental assistance program.

15 (P) Unfavorable Military Discharge. "Unfavorable military
16 discharge" includes discharges from the Armed Forces of the
17 United States, their Reserve components or any National Guard
18 or Naval Militia which are classified as RE-3 or the equivalent
19 thereof, but does not include those characterized as RE-4 or
20 "Dishonorable".

21 (Q) Unlawful Discrimination. "Unlawful discrimination"
22 means discrimination against a person because of his or her
23 race, color, religion, national origin, ancestry, age, sex,
24 marital status, handicap, military status, sexual orientation,
25 or unfavorable discharge from military service as those terms
26 are defined in this Section.

27 (Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06.)

28 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

29 Sec. 3-102. Civil Rights Violations; Real Estate
30 Transactions) It is a civil rights violation for an owner or
31 any other person engaging in a real estate transaction, or for
32 a real estate broker or salesman, because of unlawful
33 discrimination or familial status or source of income in
34 connection with residential rental real estate transactions,
35 to

1 (A) Transaction. Refuse to engage in a real estate
2 transaction with a person or to discriminate in making
3 available such a transaction;

4 (B) Terms. Alter the terms, conditions or privileges of a
5 real estate transaction or in the furnishing of facilities or
6 services in connection therewith;

7 (C) Offer. Refuse to receive or to fail to transmit a bona
8 fide offer to engage in a real estate transaction from a
9 person;

10 (D) Negotiation. Refuse to negotiate for a real estate
11 transaction with a person;

12 (E) Representations. Represent to a person that real
13 property is not available for inspection, sale, rental, or
14 lease when in fact it is so available, or to fail to bring a
15 property listing to his or her attention, or to refuse to
16 permit him or her to inspect real property;

17 (F) Publication of Intent. Print, circulate, post, mail,
18 publish or cause to be so published a written or oral
19 statement, advertisement or sign, or to use a form of
20 application for a real estate transaction, or to make a record
21 or inquiry in connection with a prospective real estate
22 transaction, which expresses any limitation founded upon, or
23 indicates, directly or indirectly, an intent to engage in
24 unlawful discrimination;

25 (G) Listings. Offer, solicit, accept, use or retain a
26 listing of real property with knowledge that unlawful
27 discrimination or discrimination on the basis of familial
28 status in a real estate transaction is intended.

29 Nothing in this Section 3-102 or in any municipal or county
30 ordinance described in Section 7-108 of this Act shall require
31 a housing authority, its designated property manager, or any
32 other housing authority agents or assigns of any housing
33 development project in which 25% or more of the units are owned
34 by a housing authority or subject to a leasing agreement,
35 regulatory and operating agreement, or other similar
36 instrument with a housing authority to lease or rent another

1 unit of that same housing development project to an existing or
2 prospective tenant who is receiving subsidies, payment
3 assistance, contributions, or vouchers under or in connection
4 with the federal Housing Choice Voucher (also known as Section
5 8) program (42 U.S.C. 1437f) for payment of part or all of the
6 rent for the unit.

7 Nothing in this Section 3-102, except with respect to
8 written statements prohibited by subdivision (F) of this
9 Section, shall require or prevent any person whose property is
10 located in a municipality with fewer than 1,000,000
11 inhabitants, and is in a concentrated census tract where 3% of
12 the total housing stock in that census tract is occupied by
13 tenants relying on subsidies, payment assistance,
14 contributions, or vouchers under or in connection with the
15 federal Housing Choice Voucher (also known as Section 8)
16 program (42 U.S.C. 1437f) for payment of part of the rent for
17 the unit to lease or rent a unit to a prospective tenant who is
18 relying on such a subsidy, payment assistance, contribution, or
19 voucher for payment of part or all of the rent for the unit.
20 The housing authority shall determine which census tracts
21 within its service area meet the concentrated census tract
22 exemption requirements and annually deliver that information
23 to the municipalities within its jurisdiction.

24 Nothing in this Section 3-102 prevents an owner or agent
25 from taking into consideration factors other than lawful source
26 of income such as credit history, criminal history, or
27 references.

28 Nothing in this Section 3-102 shall require or prevent any
29 person whose property fails to meet federal Housing Quality
30 Standards in connection with the federal Housing Choice Voucher
31 (also known as Section 8) program (42 U.S.C. 1437f) to lease or
32 rent a unit to a prospective tenant who is relying on such a
33 subsidy, payment assistance, contribution, or voucher for
34 payment of part or all of the rent for such unit.

35 (Source: P.A. 86-910.)

1 (775 ILCS 5/8A-104) (from Ch. 68, par. 8A-104)

2 Sec. 8A-104. Relief; Penalties. Upon finding a civil rights
3 violation, a hearing officer may recommend and the Commission
4 or any three-member panel thereof may provide for any relief or
5 penalty identified in this Section, separately or in
6 combination, by entering an order directing the respondent to:

7 (A) Cease and Desist Order. Cease and desist from any
8 violation of this Act.

9 (B) Actual Damages. Pay actual damages, as reasonably
10 determined by the Commission, for injury or loss suffered by
11 the complainant.

12 (C) Hiring; Reinstatement; Promotion; Backpay; Fringe
13 Benefits. Hire, reinstate or upgrade the complainant with or
14 without back pay or provide such fringe benefits as the
15 complainant may have been denied.

16 (D) Restoration of Membership; Admission To Programs.
17 Admit or restore the complainant to labor organization
18 membership, to a guidance program, apprenticeship training
19 program, on the job training program, or other occupational
20 training or retraining program.

21 (E) Public Accommodations. Admit the complainant to a
22 public accommodation.

23 (F) Services. Extend to the complainant the full and equal
24 enjoyment of the goods, services, facilities, privileges,
25 advantages, or accommodations of the respondent.

26 (G) Attorneys Fees; Costs. Pay to the complainant all or a
27 portion of the costs of maintaining the action, including
28 reasonable attorney fees and expert witness fees incurred in
29 maintaining this action before the Department, the Commission
30 and in any judicial review and judicial enforcement
31 proceedings. Provided, however, that no award of attorney fees
32 or costs shall be made pursuant to this amendatory Act of 1987
33 with respect to any charge for which the complaint before the
34 Commission was filed prior to December 1, 1987. With respect to
35 all charges for which complaints were filed with the Commission
36 prior to December 1, 1987, attorney fees and costs shall be

1 awarded pursuant to the terms of this subsection as it existed
2 prior to revision by this amendatory Act of 1987.

3 (H) Compliance Report. Report as to the manner of
4 compliance.

5 (I) Posting of Notices. Post notices in a conspicuous place
6 which the Commission may publish or cause to be published
7 setting forth requirements for compliance with this Act or
8 other relevant information which the Commission determines
9 necessary to explain this Act.

10 (I-1) Training. Participate in training by the Department
11 or other such training as is necessary to prevent future civil
12 rights violations.

13 (J) Make Complainant Whole. Take such action as may be
14 necessary to make the individual complainant whole, including,
15 but not limited to, awards of interest on the complainant's
16 actual damages and backpay from the date of the civil rights
17 violation. Provided, however, that no award of prejudgment
18 interest shall be made pursuant to this amendatory Act of 1987
19 with respect to any charge in which the complaint before the
20 Commission was filed prior to December 1, 1987. With respect to
21 all charges for which complaints were filed with the Commission
22 prior to December 1, 1987, make whole relief shall be awarded
23 pursuant to this subsection as it existed prior to revision by
24 this amendatory Act of 1987.

25 There shall be no distinction made under this Section
26 between complaints filed by the Department and those filed by
27 the aggrieved party.

28 (Source: P.A. 86-910.)

29 (775 ILCS 5/8B-104) (from Ch. 68, par. 8B-104)

30 Sec. 8B-104. Relief; Penalties. Upon finding a civil rights
31 violation, a hearing officer may recommend and the Commission
32 or any three-member panel thereof may provide for any relief or
33 penalty identified in this Section, separately or in
34 combination, by entering an order directing the respondent to:

35 (A) Cease and Desist Order. Cease and desist from any

1 violation of this Act.

2 (B) Actual Damages. Pay actual damages, as reasonably
3 determined by the Commission, for injury or loss suffered by
4 the complainant.

5 (C) Civil Penalty. Pay a civil penalty to vindicate the
6 public interest:

7 (i) in an amount not exceeding \$10,000 if the respondent
8 has not been adjudged to have committed any prior civil rights
9 violation under Article 3;

10 (ii) in an amount not exceeding \$25,000 if the respondent
11 has been adjudged to have committed one other civil rights
12 violation under Article 3 during the 5-year period ending on
13 the date of the filing of this charge; and

14 (iii) in an amount not exceeding \$50,000 if the respondent
15 has been adjudged to have committed 2 or more civil rights
16 violations under Article 3 during the 7-year period ending on
17 the date of the filing of this charge; except that if the acts
18 constituting the civil rights violation that is the object of
19 the charge are committed by the same natural person who has
20 been previously adjudged to have committed acts constituting a
21 civil rights violation under Article 3, then the civil
22 penalties set forth in subparagraphs (ii) and (iii) may be
23 imposed without regard to the period of time within which any
24 subsequent civil rights violation under Article 3 occurred.

25 (D) Attorney Fees; Costs. Pay to the complainant all or a
26 portion of the costs of maintaining the action, including
27 reasonable attorneys fees and expert witness fees incurred in
28 maintaining this action before the Department, the Commission
29 and in any judicial review and judicial enforcement
30 proceedings.

31 (E) Compliance Report. Report as to the manner of
32 compliance.

33 (F) Posting of Notices. Post notices in a conspicuous place
34 which the Commission may publish or cause to be published
35 setting forth requirements for compliance with this Act or
36 other relevant information which the Commission determines

1 necessary to explain this Act.

2 (F-1) Training. Participate in Fair Housing training by the
3 Department or other such training as is necessary to prevent
4 future civil rights violations.

5 (G) Make Complainant Whole. Take such action as may be
6 necessary to make the individual complainant whole, including,
7 but not limited to, awards of interest on the complainant's
8 actual damages from the date of the civil rights violation.

9 (Source: P.A. 86-910.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

17 Section 99. Effective date. This Act takes effect January
18 31, 2006.